

REMARKS

Claims 1-12, 14-18 and 20-21 are pending in this application. In this Response, Applicants have amended certain claims. In particular, independent claims 1, 15, and 18 have been rewritten to further clarify the inventive features of the recited method. As no new matter has been added, Applicants respectfully request entry of the amendment at this time.

THE REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1-12, and 14 were rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 5,783,293 to Lammi (“Lammi”) in view of U.S. Patent No. 5,823,890 to Maruko *et al.* (“Maruko”) and U.S. Patent No. 5,427,378 to Murphy (“Murphy”). Claims 15-17 were also rejected under 35 U.S.C. § 103(a) as being anticipated by Lammi in view of Maruko *et al.* as set forth in the Office Action dated 9/24/07 and further in view of Murphy. Further, claim 18 was rejected under 35 U.S.C. § 103(a) as being obvious over Lammi in view of Maruko *et al.* and U.S. Patent No. 4,998,734 to Meyer (“Meyer”). Finally, claims 20-21 were rejected under 35 U.S.C. § 103(a) as being obvious over Lammi in view of Maruko *et al.* and Murphy. None of the cited references disclose or suggest the present invention for at least the reasons that follow.

Lammi generally discloses an injection molding process for forming a multi-layer golf ball cover. *See, e.g.*, Col. 3, lines 9-11. However, as the Examiner admits, Lammi fails to disclose or even contemplate a multi-color layer. Office Action at Page 2. In an effort to remedy the deficiencies of Lammi, the Examiner cites Maruko. Maruko fails to cure the lack of teaching or suggestion in Lammi regarding a multi-color cover layer.

The Examiner states that “Maruko *et al* teaches a golf ball (col. 1, lns 38-42); and a multi-color cover *layer*, wherein the *layers* have different colors.” Office Action at Page 3 (emphasis added). In fact, Maruko teaches a two layer cover where the difference between the color of the inner cover layer in ΔE in Lab color space as compared to the outer cover layer is minor, *i.e.*, up to 3. *See* Abstract; *see also* Col. 2, lines 16-23 and Col. 2, line 66 to Col. 3, line 7. According to Maruko, the result of his invention is a multi-layer golf ball with an improved appearance caused by a strictly limited color difference that makes imperfections in the ball surface not perceivable to the naked eye.

Col. 1, lines 60-66. As such, Maruko does not teach a *single* cover layer formed of two different materials, each including a pigment of a different color. Rather, Maruko teaches an inner cover layer and an outer cover layer formed of essentially the same color materials.

To further illustrate the difference in the claimed invention and the multi-layer ball of Maruko, Figure 8 of the present invention displays polar views of golf balls of the present invention. As Figure 8 is a polar view, it is evident that the surface of the ball can have multiple color distributions depending upon the injection timing scheme that is employed. *See, e.g.*, Page 16, lines 21-29.

As discussed in previous responses, the stated goal of Maruko is to avoid a color difference between two layers in order to conceal seams. *See, e.g.*, Col. 1, lines 60-66, Col. 2, lines 16-23 and Col. 2, line 66 to Col. 3, line 7. As such, a single multi-color layer is not a goal of Maruko, nor is it disclosed or suggested in Maruko that the surface have a color distribution. Therefore, even if a skilled artisan were to combine the teachings of Lammi with Maruko, the resultant golf ball would not have a single multi-color layer that is visible on the surface of the ball.

The Examiner cites Murphy for the disclosure of light reflective particles in a golf ball. Given the limited purpose of the Murphy reference, Murphy does not cure the deficiencies of Lammi and Maruko.

In light of the foregoing, none of the cited references alone or in combination renders obvious the present invention. Applicants respectfully request reconsideration and withdrawal of the §103 rejection base thereon.

CONCLUSION


All claims are believed to be in condition for allowance. If the Examiner believes that the present remarks still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition for Extension of Time is submitted herewith to extend the time for response two months to and including July 5, 2009. No other fees are believed to be due

at this time. Should any fee be required, however, please charge such fee to Hanify & King, P.C. Deposit Account No. 50-4545, Order No. 5222-114-US01.

Respectfully submitted,
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